

DIVISIONAL COUNCIL
Minutes of Meeting
Friday, March 12, 2021

Attendees: Chair Robin DeLugan, Vice Chair LeRoy Westerling, Christopher Viney, Ashlie Martini, Patti LiWang, Hrant Hratchian, Matthew Hibbing, Abbas Ghassemi, Kara McCloskey, Jesus Sandoval-Hernandez, Erin Hestir, Jessica Trounstone, and Justin Yeakel.

I. Consultation with VPDUE Frey and Interim VPDGE Kello

VPDUE Frey presented a series of slides to Divisional Council members on Fall 2021 contingency planning.

- Default planning for a normal, in-person semester
 - Exception for online modality for classes taught by at-risk, un-vaccinatable faculty (or those with such members of their household)
- Parallel planning for contingency scenarios
 1. Red or Purple Tier: Hands-on courses only, reduced capacity
 2. Yellow or Orange Tier: 50% classroom occupancy
 (The campus could also pivot mid-semester, if necessary)
- Defining explicit fallback dates at which we would assess public health conditions and decide to switch to a contingency plan

Planning Assumptions:

- Faculty and at-risk students will have had vaccination opportunity prior to Fall semester start
- It is easier to plan for normal operations
- It is easier to scale-back than scale-up in-person instruction
- The campus will not alter the fall calendar
- The campus will not alter the daily class schedule
- Teaching hyflex course sections at scale is not feasible
 - (Hyflex = students have the choice to take a course in-person or fully remotely)
- Allowing individual choice to return in-person for both students and faculty would make it difficult to ensure students have access to needed courses in their chosen modality

Contingency 1: Red or Purple Tier:

- Most courses offered fully remotely
- Courses requiring physical interactions or specialized equipment would be allowed to meet in-person, but at reduced capacity

Contingency 2: Yellow or Orange Tier:

- Courses are offered via an alternating attendance model in which classrooms are only used at 50% capacity
- We can easily pivot from this model to full capacity instruction, since all students would be available in-person and all classes would have rooms adequately sized for full occupancy without rescheduling
- Every student would get in-person engagement with every course
- Model is flexible to potential future variations in state guidelines

Student Expectations:

- Fall instruction will be in-person
- Students should plan to be in Merced
- Students should not expect to be able to participate remotely for the fall semester

Alternating Attendance:

- All students divided into two cohorts: Cohort A and Cohort B
- Students attend each class in-person 50% of the time according to a schedule
- The two-week schedule assures that every class schedule (MWF, TTh, MW, W, etc.) has equal in-person offerings for Cohort A and Cohort B.
- Minimizes number of active students on campus per day

In Progress:

- Exception process for medical accommodations
- Classroom protocols: cleaning, ingress/egress, access requirements, enforcement policy
- Instructor resources: face shields, personal microphones, etc.
- Technology and pedagogy support plans for alternating attendance
- Operations plans for non-instructional spaces

A Divisional Council member requested that department chairs should be factored into the VPDUE's alternative attendance models given their role in managing instructor staffing. VPDUE Frey agreed and pointed out that departments can still propose courses for online instruction but they have to go through the normal Senate approval process. Another faculty member asked whether students – similar to faculty – can choose to take courses remotely or in-person if they have a medical condition. VPDUE Frey replied that accommodations are made for faculty who are required to provide the appropriate documentation, but students with medical conditions are accommodated through processes already in place, e.g. a semester-long leave. It is not feasible to allow students to choose their instruction modalities.

A Divisional Council member asked VPDUE Frey what kind of messaging is being planned for faculty and students about mitigation measures, risks, and vaccinations. The psychological aspects of returning to campus are challenging. VPDUE Frey agreed and stated that the campus is working on the messaging.

A Divisional Council member stated that the 50% rotating instruction model is essentially requiring faculty to prepare a third type of instruction modality (they have already prepared in-person and remote modalities) and faculty do not have the bandwidth for it. Faculty are fatigued. She suggested that the campus allow faculty to work out themselves how to offer a portion of their existing courses in-person and a portion of them remotely. Another Divisional Council member asked when the campus will provide guidelines to department chairs about hiring TAs and lecturers. VPDUE Frey replied that the campus's default plan is to offer in-person instruction in fall 2021 and that faculty and chairs need to be preparing for that. She emphasized that the campus created the alternating attendance model only if we have to pivot. It is not meant to be a drastic shift; rather, it is intended to be a stop gap measure until the campus can fully reopen.

II. Chair's Report – Robin DeLugan

A. AY 21-22 Senate Leadership

Chair DeLugan announced that the AY 21-22 Senate Chair will be LeRoy Westerling and the Senate Vice Chair will be Patti LiWang. This announcement will also be made at the May 4 Meeting of the Division.

B. C-19 Cabinet Meetings

The meeting discussions focused on fall instructional planning and a reminder that UCM is subject to state, county, and local health rules and regulations. Per the information from the EVC/Provost in previous Divisional Council meetings, UCM is no longer allowed to hold closed vaccination pods (for UCM employees only) on campus.

C. February 24 Academic Council Meeting

The major topics of discussion were:

- i. Faculty salary scales task force report. UC faculty salaries need to be closer to those of the comparison institutions.
- j. UCM faculty member Roger Bales gave a presentation on how well the UC is doing to reduce the carbon footprint. There has been a 30% reduction in emissions since 2009. He is determining how to make climate change issues more central to all the UC campuses.

D. Meeting with the EVC/Provost and the Chancellor (Feb. 26)

The main item of discussion was the alignment of academic and strategic planning and CAPRA's concern over how the Senate can endorse proposals for new Schools and ORUs without understanding the campus's budget landscape. Also under discussion was CAPRA's concern about whether the strategic plan, rather than the academic plan, will be used to guide resource allocation. The Chancellor informed Senate leadership that the Senate should endorse future proposals based on their merits and let the administration determine how to fund them. Chair DeLugan stated that she conveyed to the Chancellor that even if the strategic plan is mainly outward facing, the faculty still needs to be consulted on any representation of the campus. The Chancellor responded that there are faculty representatives on the strategic planning governance committee and faculty will have additional opportunities to weigh in on strategic planning.

III. Vice Chair's Report

A. C-19 Cabinet Meeting (March 11)

The outbreaks of the coronavirus on campus occurred because individuals were not staying within their pods. The campus is working on guidance for those employees who are fully vaccinated in regards to quarantining if they were exposed to an outbreak. Some doctors and clinics in Merced are receiving allocations of the vaccine and are willing to vaccinate UCM employees who have not signed up for vaccinations via My Turn. However, the campus has not been communicating this information effectively. It is not yet clear whether the campus can accept the doctors and clinics' vaccination offer as it may violate the rules. Targeted messaging is also in preparation about risk perception and fall 2021 campus reopening. If Merced goes up to the yellow risk tier, students living on campus might be placed one per room. There are discussions about leasing off campus housing for freshmen. There was also a discussion about the 50% occupancy restriction for research buildings. Restrictions would be enforced at the building level, not the office level, but individuals would still be expected to wear face coverings and practice physical distancing.

IV. Consent Calendar

- A. Approval of today's agenda
- B. Approval of the February 19 Meeting Minutes

Action: the Consent Calendar was approved as presented.

V. Proposed Amendment to Thondapu Family Endowed Chair in Bioengineering – **Vice Chair Westerling**

The Department of Philanthropy & Strategic Partnerships has requested the review and approval of proposed amendments to the terms of the Thondapu Family Endowed Chair in Bioengineering. The amendments

change the scope and name of the Chair to Medical Education and support cross-disciplinary, collaborative research among all schools.

The SNS and the SOE Executive Committees have endorsed the proposed amendment.

Senate Vice Chair Westerling summarized the amendments to the endowed chair and stated that the revisions have strong support from the donor and the campus administration. A Divisional Council member expressed concern that bioengineering faculty may no longer be eligible for this endowed chair since the scope and name of the chair have been revised to reflect an emphasis in medical education. Senate Vice Chair Westerling replied that the proposed amendments were shared with the SOE Executive Committee and that committee was encouraged to communicate the amendments to their faculty. The SOE Executive Committee endorsed the amendments.

Action: Divisional Council approved the proposed amendments to the Thondapu Family Endowed Chair in Bioengineering. The approval will be transmitted to the Department of Philanthropy and Strategic Partnerships.

VI. UC Merced Presidential Chair in Humanities II – Vice Chair Westerling

The Department of Philanthropy & Strategic Partnerships has requested the Senate review and approval of the UC Merced Presidential Chair in Humanities II. Per procedure, the Senate Vice Chair reviews the proposal on behalf of Divisional Council, in consultation with the Chairs of the relevant School Executive Committee. The Vice Chair then share their analysis with DivCo for action. Actions may include approval, comment and/or electing to solicit input from committees.

The SSHA Executive Committee chair confirmed that that committee has no perceived problems with the proposed Presidential Chair in the Humanities. Their one suggestion is that there be a different name than “Presidential Chair in the Humanities 2”, to avoid ranking faculty members appointed to chairs.

Senate Vice Chair Westerling stated that there were no objections to the proposed UC Merced Presidential Chair in Humanities II.

Action: Divisional Council approved the proposed UC Merced Presidential Chair in Humanities II. The approval will be transmitted to the Department of Philanthropy and Strategic Partnerships.

VII. Systemwide Review Item – CAPRA Chair LiWang

A. Proposed Revisions to Presidential Policy Purchases of Goods and Services Supply Chain Management

Divisional Council members were provided with the proposed revisions prior to this meeting, as well as the comments from Senate committees.

The proposed revisions aim to include the Small Business First Program. This program is designed to address the following:

- i. Support existing policy for awarding 25% Economically and Socially Responsible (EaSR) spend annually to small and diverse owned businesses (see UC Sustainable Practices Policy)
- ii. Take advantage of California Public Contract Code Section 10508.5 that allows the University to award purchase agreements valued up to \$250,000 to a certified small business without being competitively bid, so long as the UC obtains price quotations from two or more certified small businesses
- iii. Bring procurement practices further in line with the University’s overall mission and values

- iv. Strengthen the small business community, which is the engine of California’s economy, given that 99.8% of California’s businesses are small and employ 48.8% of California’s private workforce. For every \$100 spent at a small business, approximately \$68 stays in California
- v. Prepare UC to lead the way in California’s economic recovery from the COVID-19 pandemic and economic downturn. Statewide, as of November 25, 2020, the number of small businesses decreased by 30.7% compared to January. As the third largest employer in the State, UC supports 1 in 46 of all California jobs and contributes \$32.8B annually to gross state product. Additional spend from UC could be the lifeline small businesses need to survive and thrive.

The SB First Program also includes the following:

- Exclusions for UC Health as well as Design & Construction
- Exemption for federally funded purchases

CAPRA Chair LiWang summarized the proposed policy and Senate committee comments. Committees were concerned about the increasing prices, the difficult implementation process, and the onerous time constraints on faculty that would delay their research. Delays cost a significant amount of money that the campus will not cover. A further complication as pointed out by a Divisional Council member is that a lot of equipment does not have a supplier that qualifies under this proposed policy which forces faculty to go through the exception process. This results in higher costs and makes the UC less competitive. CAPRA Chair LiWang stated that purchasing and procurement is supposed to be for the benefit of faculty so they can carry out their research; this should be procurement’s main priority.

A Divisional Council member asked whether its memo should state that the Council strongly voted against the proposed policy. The memo can state this fact, but its impact at Academic Council is unclear.

Action: Divisional Council’s comments will be transmitted to Academic Council Chair Gauvain by March 23, 2021.

VIII. Proposed Amendments to UCM Senate Regulations – CRE Chair Viney

Master’s Degree Requirement Part IV, Section 3.A, Master’s Degree Requirement
Doctor of Philosophy Requirements Part V, Sections 3.A and 4.

Prior to this meeting, Divisional Council reviewed the proposed amendments and the comments from GC and CRE. CRE Chair Viney summarized the proposed amendments and stated that CRE and GC are in agreement. GC Chair Hratchian clarified that the language was motivated by the ANR request but ANR was not the basis for it. He explained that this is one of the few regulations that has no exemptions at all and the goal is to create an appropriate exemption for faculty.

Action: Divisional Council endorsed the proposed Regulations amendments for consideration at the May 4 Meeting of the Division.

IX. UCM Bylaw Revisions – CRE Chair Viney

One of CRE’s priorities for AY 20-21, proposed at the Governance Retreat, was to achieve clear and inclusive language in the Senate Bylaws so that the campus/Senate can truly offer a welcoming, inclusive

environment for all scholars. On February 25, 2020, standing Senate Committees were invited to review their respective committee Bylaws.

Prior to this meeting, Divisional Council members were provided with individual Senate committees' proposed revised bylaws from AY 19-20 and from AY 20-21. Divisional Council members were also provided with a comprehensive document that reflected all committees' proposed, requested bylaw revisions.

CRE Chair Viney emphasized that the proposed, revised Division bylaws will be issued for campus and Senate review before being voted on at the May 4 Meeting of the Division. CRE Chair Viney encouraged Senate committees to review their proposed bylaws again. He added that CRE was not entirely clear on how to address the proposed diversity preamble and whether it should be included in the Division bylaws. Should it be a preamble or should each committee create their own diversity language? The issue with the latter option is that the Division bylaws will become much longer. A Divisional Council member supported the idea of a diversity statement but pointed out that the proposed preamble presented in today's meeting is very specific. It may not make sense to place such a specific preamble at the beginning of the Division bylaws which are much broader. The scope of the suggested preamble is too narrow and the Division may find itself having to continuously revise it in the future. He recommended that the preamble should begin with the core values of the university and how they map onto the Senate. The preamble also should not only focus on systemic inequities.

Another Divisional Council member pointed out that the Senate has other priorities in addition to diversity, such as sustainability. But not all values can be added to the preamble as it will quickly grow unwieldy. He suggested that the Senate could draft a new section to place below a preamble that acknowledges structural racism, how it affects how we interpret our bylaws, and how we value diversity, equity, and inclusion. CRE Chair Viney asked whether this should be labeled a "statement" rather than a "preamble". Another Divisional Council member suggested that the statement include an explanation of why it is included in the Division bylaws.

Action: CRE will issue the preamble document, together with the proposed, revised Division bylaws, for campus and Senate review. Both documents will be voted on at the May 4 Meeting of the Division.

X. Other Business

The Senate Chair and Senate Executive Director met with APO about the proposed, new MAPP 500. GC Chair Hratchian expressed his concern about the lack of shared governance given that the proposed new MAPP section will have a serious negative impact on faculty's hiring of postdocs and staff scientists yet faculty were not consulted prior to this MAPP section being sent for campus review. GC is advocating for this review to be retracted. Senate Executive Director Paul stated that she was informed by APO that this is only a preliminary review and that faculty concerns will be taken into account. She added that APO leadership will attend an April Divisional Council meeting to discuss the proposed, new MAPP 500.

Action: The Senate will ask APO to place the review of the proposed, new MAPP 500 on hold.

There being no further business, the meeting was adjourned at 11:30 am.

Attest: Robin DeLugan, Senate Chair